

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING)
PHARMACY, INC. PRODUCTS LIABILITY)
LITIGATION) MDL No. 1:13-md-2419-FDS
)
This Document Relates to:)
All Cases)
)

**JOINDER OF THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS
TO MEMORANDUM OF LAW OF CHAPTER 11 TRUSTEE
IN RESPONSE TO PLAINTIFFS' STEERING COMMITTEE'S
MOTION TO PARTIALLY LIFT DISCOVERY STAY**

The Official Committee of Unsecured Creditors (the “Official Committee”) of New England Compounding Pharmacy, Inc. d/b/a New England Compounding Center (“NECC”), by and through its undersigned counsel, respectfully submits this joinder to the *Memorandum of Law of Chapter 11 Trustee in Response to Plaintiffs’ Steering Committee’s Motion to Partially Lift Discovery Stay* [Dkt No. 758] (the “Opposition”) filed by the chapter 11 trustee (the “Trustee”) of NECC in opposition to *The Plaintiffs’ Steering Committee’s* (the “PSC”) *Motion to Partially Lift Discovery Stay* [Dkt No. 534] (the “Motion”).

Through the Motion, the PSC seeks to partially lift the discovery stay to permit plaintiffs to take discovery of those defendants directly or indirectly affiliated with NECC who may have some responsibility for the tort plaintiffs’ injuries. The Official Committee joins the Trustee in its Opposition (the arguments and authorities of which are incorporated as if fully set forth herein), opposes the Motion, and respectfully requests that the Court deny the Motion without prejudice to renewal.

Alternatively, given the recent preliminary settlements with NECC’s insiders and insurers, see Preliminary Settlement Agreements Establish \$100M Fund for Victims of Tainted

Steroids Traced to NECC, Reuters (Dec. 23, 2013) (describing the preliminary agreements of NECC's insiders and insurers to contribute an amount exceeding \$100 million to "a compensation fund to be distributed to NECC creditors, including victims who received injections of tainted steroids traced to NECC"); Opposition at 3-4, the Official Committee respectfully requests that this Court adjourn consideration of the Motion to a later status conference date in order to provide the parties sufficient time to finalize and execute full settlement agreements.

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Dated: January 9, 2014
Boston, Massachusetts

Respectfully submitted,

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*Counsel to the Official Committee of Unsecured
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Pharmacy, Inc.*

CERTIFICATE OF SERVICE

I, Carol S. Ennis, hereby certify that on January 9, 2014, I caused a copy of the foregoing Joinder to be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants, by first class mail, postage prepaid.

Dated: January 9, 2014
Boston, Massachusetts

/s/ Carol S. Ennis
Carol S. Ennis

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